



T H E
C A S E

O F T H E
Burgeffes and Inhabitants of *Westminster*,

A G A I N S T

The BILL for the better Regulating the Nightly Watch and Bedels within the two Parishes of St. James and St. George Hanover-Square, within the Liberties of the City of Westminster.

TH E Government of the Borough of *Westminster* and the Liberties thereof was by several Grants from the Crown, and by Immemorial Usage, in the Abbot and Convent of *Westminster*, and was executed in all times by their Officers, and in the Courts to them belonging.

That upon the Foundation of the Dean and Chapter, in the Second of Queen *Elizabeth*, she, by her Charter, granted them the same Immunities, Privileges and Powers which the Abbot and Convent had before enjoyed, and accordingly the Dean and Chapter continued to use and exercise the same, and (as the Abbot and Convent had done before) appointed a High-Steward, with Power for him to make a Deputy to hold the Courts-Leet and Burgeffs-Court with the Burgeffes and Assistants for the good Government of the said Borough and Liberty, and preserving the Peace thereof.

That in the 27th Year of Queen *Elizabeth*, an Act was made for the good Government of the said City and Borough of *Westminster*, by which it appears, that the said City and Borough had been of old time severed into twelve Districts, Divisions or Wards, and each of those twelve Wards had been governed by their proper Officers, in the said Act termed Burgeffes and Assistants; for the future appointing of which Burgeffes and Assistants, by the Authority of the Dean, High-Steward, or his lawful Deputy, a Method is in that Act prescribed, and the said Burgeffes and Assistants have ever since, under the said Dean, High-Steward, or his Deputy, governed the said City and Borough in the Manner by the said Act directed.

Which manner of Government hath been found so Beneficial and Convenient to the Inhabitants, that as the said City and Liberty encreased, and New Parishes were by Acts of Parliament created, Care hath been taken by the said Acts to Constitute New Wards and New Burgeffes and Assistants for the Government thereof, particularly in the Case of the Parishes of St. *Anne* and St. *James*.

That

That the Burgesſes and Aſſiſtants appointed by the ſaid Act of 27th of *Elizabeth*, and by the ſaid ſubſequent Acts, are authorized by Virtue thereof to *do and deal in all things as Aldermens Deputies do, or may do, in the City of London*; and there is a further Proviſion made by the ſaid Act, That all good Orders and Ordinances, made with the Aſſent of the Burgeſſes or Aſſiſtants, for or concerning the Government of the Inhabitants of the ſaid City and Borough, not repugnant to the King's Prerogative, nor to the Laws or Statutes of this Realm, ſhall, by Virtue of that Act, ſtand in full Force and Strength.

That in the Burgeſs-Court thus conſtituted and eſtabliſhed by Acts of Parliament, all the Conſtables of this City and Liberty, and the Bedels thereof, have ever ſince been appointed, to whom the Care of the Nightly Watch hath been committed, under ſuch Regulations as the ſaid Court, or the particular Burgeſſes in the ſeveral Wards do direct.

That by an Act paſſed the 30th of *Charles II.* it is (*inter al.*) provided, That the additional Burgeſſes by that Act appointed, ſhould from time to time make ſuch Rules and Orders for the keeping of Watch and Ward in the ſaid Pariſh of *St. Anne*; and for their Stations and Numbers of Watchmen in each Ward, and other Matters relating thereto, as they ſhould think fit, and for the Punishing of the Infringers of ſuch Rules and Orders as they might do by thoſe that commit common Annoyances, by the ſaid Act of the 27th of *Elizabeth*.

That by an Act of Parliament paſſed in the firſt Year of King *James II.* Entituled, *An Act for erecting a new Pariſh, to be called the Pariſh of St. James, within the Liberty of Weſtminſter*, Power is given to the Dean or High-Steward yearly, for ever after, to nominate and elect two additional Burgeſſes and two Aſſiſtants for the ſaid Pariſh, with the like Powers as were exerciſed by the other Burgeſſes and Aſſiſtants of *Weſtminſter*, by Virtue of the ſaid Act of the 27th of *Elizabeth*.

Under theſe Acts and Ordinances made by Virtue thereof, the Burgeſs-Court hath conſtantly appointed the Conſtables, Bedels and Watchmen; and on *February 13, 1719.* and on *September 22, 1720.* certain other Orders or By-Laws were, by Virtue of the Act of the 27th of *Elizabeth*, made by the Dean, High-Steward, and the Burgeſſes and Aſſiſtants, whereby the Nightly Watch and the Number in every Ward and Pariſh was aſcertained and regulated, and the Burgeſſes and Aſſiſtants in the reſpective Wards were impowered to make and collect a Rate to ſupport the ſaid Watch, with other Rules for accounting for the Money aſſeſſed, and for the good Government of the ſaid Watch.

In purſuance whereof, a regular Watch was appointed, for the Support whereof, Rates have been annually made by the Burgeſs-Court, and Accounts have been conſtantly kept of all Monies collected in the ſeveral Pariſhes, and thoſe Accounts are annually audited and examined, and kept by the Burgeſs-Court, for the Satisfaction of the Inhabitants.

That under this Regulation the Inhabitants of *Weſtminſter* have thought themſelves very ſafe, and have been ſo far from complaining, either of the Charge or Management thereof, that when ſeveral Attempts have been made, as particularly in the Year 1705, and in the Year 1719 and 1720, Bills were brought into Parliament, the Inhabitants petitioned againſt them, and thoſe Bills were rejected; the Juſtices of the Peace and others who ſollicitated the ſame, not being able to ſatisfy the then Parliament that the Regulations intended by ſuch Bills would be any ways uſeful.

That the Bill now depending before this Honourable Houſe entirely divests the Burgeſs-Court of all their Right to the Appointment and Government of the Bedels and Watchmen, a Right which they have exerciſed Time immemorial, without the leaſt Blame or Imputation; and altho' the preſent Bill does not charge them with any Miſbehaviour or Abufe of their Power, yet it veſts all that Power in the Veſtry of the two Pariſhes, who are an uncertain and fluctuating Body of Men, and have no regular Courts or Meetings as the Burgeſs-Court hath, where all Complaints, in relation to the Bedels and Watchmen, may be, and conſtantly are, examined into, and all Grievances redreſſed.

That as there have not been nor can be any Complaints against the Burgeſs-Court in the Execution of this their antient Power; ſo, on the Contrary, it can be made appear, that the *ſelect Veſtry* of at leaſt one of theſe Pariſhes who are now grasping at this Power, have either miſbehaved themſelves, or at leaſt ſhewn themſelves imprudent in the Exercise of their Authority of appointing Church-Wardens, Collectors or Overſeers, by appointing inſufficient Perſons for thoſe Offices, by whoſe Imbezzlement of the Pariſh-Money, the Pariſh has been defrauded and obliged to be re-aſſeſſed for the making good ſeveral conſiderable Sums of Money.

And as to the other Pariſh, *viz.* that of St. George, *Hanover-Square*, ſo lately erected, a Regulation of the Watch was actually made by the Veſtry, together with the Burgeſſes, and an Order of that Veſtry made thereupon in the Year 1727, eſta bliſhing thirty-two Watchmen and four Bedels for that Pariſh; in purſuance of which, the Burgeſſes were ready to have done their Duty, but the Veſtry ſoon afterwards annulled their ſaid Order, and many of the Inhabitants reſuſed to pay the Watch Rate, and ſet up a Watch called an *Inhabitant Watch*, which conſiſts of about the Number of fifteen or ſixteen, and therefore the Burgeſſes could appoint no more than thirteen as a Nightly Watch, which was as much as the Money collected would pay.

This Innovation of an Inhabitant Watch has been and is likely to be attended with many Inconveniencies, ſuch Watchmen not being ſubject to the Command of the Conſtables; but on the contrary, have frequently reſuſed to be Aſſiſtant to them in keeping the Peace, and in ſecuring Diſorderly or Suſpicious Perſons, altho' they have been required ſo to do by the Conſtable of the Night, and even by the High Conſtable himſelf on going his Rounds in the ſaid Pariſh.

The *much greater Number of the Inhabitants* do humbly apprehend this Bill to be highly prejudicial to them, who are unwilling that the Power ſhould be lodged in the Veſtry, and taken from the Burgeſs-Court, who have been all along intruſted with the Nomination of Ward Officers and the Regulating the Watch, and muſt be ſuppoſed to be moſt able to do Juſtice in the Neighbourhood where they live, both as to the appointing of thoſe Officers, and conducting them in the Execution of their Office, and the rather for that it is manifeſt the Burgeſſes have, to the Satisfaction of the Inhabitants, hitherto beſtowed their Time, and are at a great Expence, to diſcharge this Part of their Office, and it doth not, nor can it be made appear, that they ever received any other Benefit for their Pains and Trouble but the Satisfaction of ſerving the Liberty, and preſerving the Peace thereof, of which there have been no juſt Complaints; nor do the Petitioners for the Bill alledge any one againſt them; and the Burgeſſes are actually, by the By-Laws, obliged to make good any Loſs that may happen in the Collection of the Watch-Money, without any Allowance or Reward whatſoever to themſelves: And altho' the Petitioners for the Bill have applied to the other Veſtries in the Liberty which are Seven in Number, and particularly to their Mother-Church of St. Martin, yet they are all ſo well ſatiſfied with the Conduct and Government of the Burgeſs-Court, that they have not one of them joined with the Petitioners in applying for this Bill.

The Petitioners therefore (who are about 800 in theſe two Pariſhes) humbly hope, that this Bill (which is brought in on the Petition of about 130, including the Gentlemen of the two Veſtries and their Dependants, calculated meerly to give new Powers to the Select Veſtries, and to Deſtroy the Right of the Dean and Chapter and the Burgeſs-Court of Weſtminſter) ſhall not paſs into a Law.

